

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-CV-238-D

TODD D. SANDERS, JR.,)
)
)
Plaintiff,)
)
)
v.) **ORDER**
)
)
GNC HOLDINGS, INC., et al.,)
)
)
Defendants.)

On June 4, 2020, Todd D. Sanders, Jr. (“Sanders” or “plaintiff”), appearing pro se, filed a motion to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On June 10, 2020, the court referred the motion to Magistrate Judge Numbers for frivolity review [D.E. 4]. On July 31, 2020, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 7], and recommended that the complaint be dismissed for failure to state a claim [D.E. 7]. On July 22, 2020, Sanders objected to the M&R [D.E. 8].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff’s objections. As for those

portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo. The complaint fails to state a claim upon which relief can be granted, and Sanders's objections are overruled.

In sum, plaintiff's objections to the M&R [D.E. 8] are OVERRULED. The court GRANTS plaintiff's motion to proceed in forma pauperis [D.E.1] and DISMISSES plaintiff's complaint without prejudice.

SO ORDERED. This 27 day of September 2020.

J. C. Dever
JAMES C. DEVER III
United States District Judge